



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street, 3rd floor
New York, New York 10007

March 16, 2020

By Electronic Mail

Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

We write on behalf of the Federal Bureau of Investigation (“FBI”) in the above-referenced matter to respectfully request an extension of the deadline for the FBI to file its motion papers in support of its cross-motion and in opposition to Plaintiffs’ January 15, 2020 motion to compel. The FBI’s motion papers are currently due on March 18, 2020. We request that the deadline be extended to April 3, 2020. This is the FBI’s second request for an extension of the deadline. Provided that any extension granted to the government does not operate to prejudice Plaintiffs’ rights, Plaintiffs do not oppose the government’s extension request.

The FBI regrets having to seek a second extension of this deadline. As the Court is aware, the Department of Justice process for approval of the assertion of the state secrets privilege involves personal review by multiple senior level officials, including the Attorney General himself. In light of the substantial volume of the materials at issue, which includes more than 50 FBI documents (as compared to the one document that was at issue in the September 2019 assertion of the state secrets privilege), the Department of Justice requires additional time to complete this process.

Moreover, that process, as well as the preparation of the FBI’s motion papers, has been and will continue to be subject to unavoidable delays and disruptions as a result of the extraordinary efforts taken to address the coronavirus pandemic. Because of the classified nature of much of the material at issue, including documents that are the subject of the motion to compel and the draft classified declarations, much of this work cannot be done remotely. Yet many of the attorneys and officials who are working on this matter, including the AUSAs assigned to this case, are either teleworking or otherwise restricted in travel at the present time. This has complicated our efforts to timely prepare the FBI’s motion papers.

In re Terrorist Attacks, 03 MDL 1570

Page 2

Plaintiffs have requested that, should the Court grant the FBI's request for an extension of time, their deadline to file papers in opposition to the cross motion and in further support of their motion to compel, which is currently set for April 1, be adjourned, and that a new date not be set until after they have had an opportunity to review the FBI's papers and determine how much time they will need to respond. The FBI does not object to this request.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Jeannette Vargas
SARAH S. NORMAND
JEANNETTE A. VARGAS
ANDREW E. KRAUSE
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. (212) 637-2709/2678/2769

cc: Counsel for Plaintiffs, the Kingdom of Saudi Arabia,
and Dallah Avco (by e-mail)